



INTERNATIONAL TRAFFIC IN ARMS

Regulations as Amended, March 1, 1960

(Reprinted from the Federal Register of March 2, 1960)

THE DEPARTMENT OF STATE

Your attention is invited to the attached revisions of the Department of State regulations, effective March 1, 1960, governing the export and import of United States Munitions List items.

Additional sets of these regulations will be furnished upon request to the Office of Munitions Control, Department of State, Washington 25, D.C.

Errata (underscoring added to indicate changes):

- Part 121.01 - Category VIII, (e), line 1 should read:
"Non-expansive balloons ..."
- Part 121.01 - Category XIII, (c), line 4 should read:
"(See 123.62 for exemptions)"
- Part 121.02 - Line 1 should read: "As used in 123.03 (c)..."
- Part 121.05 - (1) should read: "Electric squibs"
- Part 121.08 - First line should read: "(See Category XIV (a))"
- Part 121.09 - Under "Other liquid propellant compositions..." subparagraph (2) should read: "Bi-propellants (hydrazine, fuming nitric acid (HNO₃))"
- Part 122.02 - (a), line 3 should read: "on Form DSP-9..."
- Part 123.09 - Line 7 should read: "(United States Department of Commerce form 7525-V)"
- Part 125 - Under Export Control Requirements add "125.21 Government Agency Shipments"
- Part 125.20 - (b), beginning line 14, sentence should read:
"If the patent application is covered by a security order, all questions relating thereto should be addressed to the Patent Office."

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.425]

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

REVISION OF SUBCHAPTER

Subchapter M of the regulations of the Secretary of State issued August 26, 1955, as amended, is hereby rescinded in its entirety and is replaced by the following parts:

PART 121—ARMS, AMMUNITIONS, AND IMPLEMENTS OF WAR

ENUMERATION OF ARTICLES

Sec. 121.01 The United States Munitions List.

DEFINITIONS AND INTERPRETATIONS

- 121.02 Substantial transformation.
- 121.03 Firearms.
- 121.04 Cartridge and shell casings.
- 121.05 Military demolition blocks and blasting caps.
- 121.06 Apparatus and devices under Category IV(b).
- 121.07 Amphibious vehicles.
- 121.08 Chemical agents.
- 121.09 Propellants.
- 121.10 Military high explosives.
- 121.11 Military fuel thickeners.
- 121.12 Vessels of war and special naval equipment.
- 121.13 Aircraft and related articles.
- Sec. 121.14 Helium gas.
- 121.15 Forgings, castings, and machined bodies.

AUTHORITY: §§ 121.01–121.15, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7261, 3 CFR, 1954 Supp.

ENUMERATION OF ARTICLES

§ 121.01 The United States munitions list.

Pursuant to the authority cited supra the following articles¹ are hereby designated as arms, ammunition and implements of war.

Category I—Firearms

- (a) Non-automatic and semi-automatic firearms, calibers .22 to .50 inclusive, except those using only caliber .22 rim-fire ammunition. Barrels, cylinders and complete breech mechanisms therefor (See §§ 121.03, 123.03 and 123.51).
- (b) Automatic firearms and all components and parts therefor, calibers .22 to .50 inclusive (See §§ 121.03 and 123.03).
- (c) Firearms silencers.

Category II—Artillery and Projectors

- (a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.
- (b) Military flame throwers and projectors.
- (c) Components and parts including, but not limited to mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

Category III—Ammunition

- (a) Ammunition for the arms in Categories I and II of this Section except caliber .22 rim-fire ammunition (See § 123.03).
- (b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuzes and components therefor, primers, and other detonating devices for such ammunition (see exemption in § 121.04).
- (c) Ammunition belting and linking machines.

Category IV—Bombs, Guided Missiles, Rockets, Torpedoes, and Mines

- (a) Bombs, grenades, rockets, guided missiles, torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (See § 121.05).
- (b) Apparatus and devices for the handling, control, activation, detection, discharge or detonation of the articles in paragraph (a) of this Category (See § 121.06).
- (c) Missile powerplants.
- (d) Military explosives, excavating devices.
- (e) All specifically designed components, parts, and associated equipment for the articles in this Category.

Category V—Propellants, Explosives, and Incendiary Agents

- (a) Propellants for the articles in Categories III and IV of this Section (See § 121.09).
- (b) Military high explosives (See § 121.10).
- (c) Military fuel thickeners (See § 121.11).
- (d) Military pyrotechnics.

Category VI—Vessels of War and Special Naval Equipment

- (a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships (See § 121.12).
- (b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.
- (c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.
- (d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

Category VII—Tanks and Ordnance Vehicles

- (a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with mountings for arms.
- (b) Military tanks, tank recovery vehicles, half-tracks, and gun carriers.
- (c) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.
- (d) Amphibious vehicles (See § 121.07).
- (e) All specifically designed components, accessories and attachments, including military bridging for the articles in this Category.

Category VIII—Aircraft and Associated Equipment

- (a) Aircraft designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, experimental aircraft, drones, lighter-than-air aircraft, and military helicopters (See § 121.13, paragraph (b) for exceptions).
- (b) Military aircraft engines, other than reciprocating, specifically designed for the aircraft in paragraph (a) of this Category.
- (c) Airborne equipment, including but not limited to JATO and airborne refueling equipment, specifically designed for use with the aircraft and engines of the types in paragraphs (a) and (b) of this Category.
- (d) Aircraft launching equipment.
- (e) Non-expensive balloons in excess of 3,000 cubic feet capacity.
- (f) Components, parts, and associated equipment except propellers specifically designed for the articles in paragraphs (a) through (e) of this Category.
- (g) Parachutes and complete canopies, harnesses and platforms, and electronic release mechanisms therefor.

Category IX—Military Training Equipment

- (a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units; and military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.
- (b) Components, parts, attachments and accessories specifically designed for the articles in paragraph (a) of this Category.

Category X—Protective Personnel Equipment

- (a) Body armor, flak suits, and components and parts specifically designed therefor and military helmets.
- (b) Partial pressure suits, pressurized breathing equipment, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft and missiles, catapults and cartridge actuated devices utilized in emergency escape of personnel from aircraft.

Category XI—Military Electronics

- (a) Electronic equipment bearing a military designation including radar, jamming, countermeasure, counter countermeasure, underwater sound, doppler and communications-electronic equipment.
- (b) Components, parts, accessories and attachments specifically designed for use with the articles in (a) of this Category.

Category XII—Fire Control Equipment and Range Finders

- (a) Fire control, gun and missile tracking and guidance systems infra-red and other night sighting equipment; range, position and height finders and spotting instruments, aiming devices (electronic, gyroscopic, optic, and acoustic), bomb sights, bombing computers, military television sighting units, inertial platforms, and periscopes for the articles of this section.
- (b) Inertial guidance systems, astro compasses, and star trackers.
- (c) Components, parts, accessories, attachments, and associated equipment specifically designed for the articles in paragraph (a) of this Category.

¹ The term "article" shall mean any of the arms, ammunition and implements of war enumerated in the United States Munitions List.

Category XIII—Auxiliary Military Equipment

(a) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(b) Cryptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater swimming apparatus and components and accessories specifically designed therefor (See § 123.63 for exemptions).

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to special paints, decoys and simulators; components, parts and accessories specifically designed therefor.

Category XIV—Toxicological Agents

(a) Chemical agents, including lung irritants, vesicants, lacrimators and tear gases, sternutators and irritant smokes, and nerve gases (See § 121.08).

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(c) Equipment for the dissemination, detection and identification of, and defense against the articles in paragraphs (a) and (b) of this Category.

(d) Components, parts, attachments and accessories specifically designed for the articles in paragraph (c) of this Category.

Category XV—Helium Gas

Contained Helium and admixtures thereof (See § 121.14).

Category XVI—Classified Material

All material not enumerated herein which is classified from the standpoint of military security.

Category XVII—Technical Data

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war.

DEFINITIONS AND INTERPRETATIONS**§ 121.02 Substantial transformation.**

As used in § 123.03(d) the term "substantially transformed" shall refer to the realteration of firearms abroad to accomplish the following changes:

(a) As applied to rifles and carbines, the changes must have included at least either (1) re-chambering for a lower or higher caliber cartridge or (2) installation of a new action.

(b) As applied to pistols and revolvers, the changes must have included at least either (1) re-chambering or (2) modification of the cylinders for the accommodation of a lower or higher caliber cartridge.

(c) Other changes, such as rebarreling, modification of stocks or grips, rebluing, or replacing of sights, singly or together, are not sufficient to so substantially transform the weapons as to become, in effect, articles of foreign manufacture.

§ 121.03 Firearms.

Rifles, carbines, revolvers and pistols, calibers .22 to .50 inclusive, except those using only caliber .22 rimfire ammunition, are included under Category I(a). Machine guns, submachine guns, machine pistols and fully automatic rifles

caliber .22 to .50 inclusive are included under Category I(b).

(a) As used in this subchapter the term "firearm" denotes a weapon not over .50 caliber discharging bullets by an explosive force.

(b) A rifle is a shoulder firearm discharging bullets through a barrel with a rifled bore at least sixteen inches in length.

(c) A carbine is a light weight shoulder firearm with a short barrel, under eighteen inches in length.

(d) A pistol is a hand-operated firearm designed for clip loading.

(e) A revolver is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(f) A machine gun or machine pistol is a firearm capable of being fired automatically by a single pull of the trigger.

(g) A breech mechanism or action is that portion of the weapon in which the firing action takes place.

§ 121.04 Cartridge and shell casings.

Cartridge and shell casings which have been sold by the armed services as scrap, or which have been rendered useless by excessive heating or flame treatment, mangling, crushing or cutting or reduced to scrap by any other method are not subject to the export and import licensing authority of the Department of State.

§ 121.05 Military demolition blocks and blasting caps.

The term "military demolition blocks and blasting caps" does not include the following articles:

(1) Electric squibs,

(2) No. 6 and No. 8 blasting caps, including electric,

(3) Delay electric blasting caps (including Nos. 6 and 8 millisecond),

(4) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR").

§ 121.06 Apparatus and devices under category IV(b).

Category IV(b) includes inter alia the following: Fuses and components thereof, bomb racks and shackles, bomb shackle release units, bomb ejectors, torpedo tubes, torpedo and guided missile boosters, launching racks, and projectors, pistols (exploders), igniters, fuse arming devices, and the following items related thereto, intervalometers and components therefor, guided missile launchers and specialized handling equipment.

§ 121.07 Amphibious vehicles.

As used in Category VII(d), the term "amphibious vehicles" includes but is not limited to automotive vehicles or chassis embodying all-wheel drive and equipped to meet special military requirements, with adaptation features for deep-water fording and sealed electrical systems.

§ 121.08 Chemical agents.

(See Category XV(a).)

A chemical agent is a substance useful in war which, by its ordinary and direct

chemical action, produces a powerful physiological effect. The term "chemical agents" includes but is not limited to the following chemical compounds:

1. Lung Irritants:
 - (a) Carbonyl chloride (Phosgene, CG).
 - (b) Chlorine (CL).
 - (c) Cyanogen chloride (CK).
 - (d) Diphenylchloroarsine (DC).
 - (e) Diphosgene (DP).
 - (f) Fluorine (but not fluorene).
 - (g) Trichloronitro methane (Chlorpicrin, PS).
2. Vesicants:
 - (a) B chlorvinylchloroarsine (Lewisite, L).
 - (b) Bisdichlorethyl sulphide (Mustard gas, HD or H).
 - (c) Ethyldichloroarsine (ED).
 - (d) Methylchloroarsine (MD).
3. Lacrimators and Tear gases:
 - (a) Brombenzylcyanide (BBC).
 - (b) Chloroacetophenone (CE).
 - (c) Dibromodimethyl ether,
 - (d) Dichlorodimethyl ether (ClCl),
 - (e) Ethyldibromoarsine,
 - (f) Phenylcarbylamine chloride,
 - (g) Tear gas solutions (CNB and CNS).
4. Sternutators and irritant smokes:
 - (a) Diphenylaminechloroarsine (Adamsite, DM).
 - (b) Diphenylchloroarsine (BA).
5. Nerve gases. These are toxic compounds which affect the nervous system, such as:
 - (a) Dimethylaminoethoxycyanophosphine oxide (GA).
 - (b) Methylisopropoxyfluorophosphine oxide (GB).
 - (c) Methylpinacolyoxyfluorophosphine oxide (GD).

§ 121.09 Propellants.

The term "propellants" includes but is not limited to the following:

Propellant powders including smokeless shotgun powder, Hydrazine, Unsymmetrical dimethylhydrazine, Hydrogen peroxide over 85 percent concentration, Nitroguanidine or picrite, Nitrocellulose with nitrogen content of over 12.20 percent.

Other solid propellant compositions, including but not limited to the following:

- (1) Single base (nitrocellulose),
- (2) Double base (nitrocellulose, nitroglycerin),
- (3) Triple base (nitrocellulose, nitroglycerin, nitroguanidine),
- (4) Composite (nitroglycerin, ammonium perchlorate, nitrocellulose with plastics or rubbers added),
- (5) Special purpose chemical base high energy solid military fuels.

Other liquid propellant compositions, including but not limited to the following:

- (1) Mono-propellants (hydrazine, nitrate, and water),
- (2) Bi-propellants (hydrazine, fuming nitric acid (MNO₃)),
- (3) Special purpose chemical base high energy liquid military fuels.

§ 121.10 Military high explosives.

The term "military high explosives" includes but is not limited to the following:

- (a) Ammonium picrate,
- (b) Black soda powder,
- (c) Cycloctetramethylene-tetranitramine (HMX),
- (d) Cyclotrimethylene-trinitramine (RDX, Cyclonite, Hexogen or T4),
- (e) Dinitronaphthalene,

- (f) Ethylenedinitramine,
- (g) Hexanitrodiphenylamine,
- (h) Nitroglycerin,
- (i) Nitrostarch,
- (j) Pentaerythritol tetranitrate (penthrate, pentrite or PETN),
- (k) Potassium nitrate powder,
- (l) Tetranitronaphthalene,
- (m) Trinitroanisole,
- (n) Trinitronaphthalene,
- (o) Trinitrophenol (Picric acid),
- (p) Trinitrophenylmethyl-nitramine (Tetryl),
- (q) Trinitrotoluene (TNT),
- (r) Trinitroxylenes,
- (s) Ammonium perchlorate nitrocellulose (military grade).

§ 121.11 Military fuel thickeners.

The term "military fuel thickeners" includes: compounds (e.g., octal) or mixtures of such compounds (e.g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a jelly-type incendiary material for use in bombs, projectiles, flame throwers or other implements of war.

§ 121.12 Vessels of war and special naval equipment.

(See Category VI.)

The term "vessels of war" includes but is not limited to the following:

- (a) *Combatant*—
 - (1) *Warships*:
 - Aircraft Carriers (CVA, CVE, CVHE, CVL, CVS),
 - Battleships (BB, BBG),
 - Command Ships (CBC, CLC),
 - Cruisers (CA, CAG, CB, CG, CL, CLAA, CLG),
 - Destroyers, (DD, DDC, DDE, DDG, DDR, DL, DLG),
 - Submarines, (SS, SS(N), SSB, SSG, SSK, SSR),
 - (2) *Amphibious Warfare Vessels*:
 - Amphibious Assault Ship (LPH),
 - Amphibious Force Flagship (AGC),
 - Assault Helicopter Aircraft Carrier (CVHA),
 - Attack Cargo Ship (AKA),
 - Control Escort Vessel (DEC),
 - Cargo Submarine (AK(SS)),
 - Inshore Fire Support Ship (IFS),
 - Landing Ships (LSD, LSFF, LSIL, LSM, LSMR, LSSL, LST),
 - Transport Submarine (AP(SS)),
 - Transports (APA, APD),
 - (3) *Landing Craft* (LCC, LCM, LCP, LCR, LCS, LCU, LCV, LCVF),
 - (4) *Landing Vehicle, Tracked* (LVT),
 - (5) *Mine Warfare Vessels*:
 - Mine Hunter, Coastal (MHC),
 - Mine Countermeasures Support Ship (MCS),
 - Minelayers (DM, MMA, MMC, MMF),
 - Minesweepers (DMS, MSC, MSC(O), MSF, MSO, MES),
 - (6) *Patrol Vessels*:
 - Escort Vessels (DE, DER, PCS, PCER, PF),
 - Gunboats (PCM, PR),
 - Submarine Chasers (PC, PCS, SC),
 - Yacht (PY).
 - (b) *Auxiliary Vessels and Service Craft*:
 - (1) Advanced Aviation Base Ship (AVB),
 - (2) Auxiliary Submarine (AG(SS)),
 - (3) Cable Repairing or Laying Ship (ARC),
 - (4) Degaussing Vessel (ABG),
 - (5) Distilling Ship (AW),
 - (6) Drone Aircraft Catapult Control Craft (YV),
 - (7) Floating Dry Docks, Cranes, and Associated Workshops and Lighters (AFDB, AFDL, AFDM, ARD, YD, YFD, YFMD, YR,

- YRDH, YRDM, YHL, YSD),
- (8) Floating Pile Driver (YPD),
- (9) Guided Missile Ship (AVM),
- (10) Harbor Utility Craft (YFU),
- (11) Icebreaker (AGB),
- (12) Logistic Support Ships (AE, AF, AK, AKS, AO, ACE, AOG, AOR, AO(SS), AVS),
- (13) Minecraft (MSA, MEB, NSI, YMP, YMS),
- (14) Miscellaneous Auxiliary (AG, IX, YAG),
- (15) Miscellaneous Cargo Ships (AKD, AKL, AKV, AVT),
- (16) Naval Barges and Lighters (YC, YCF, YCK, YCV, YF, YFB, YFN, YFNS, YFNX, YFP, YFR, YFRN, YFRT, YFT, YG, YGN, YO, YOG, YOGN, YON, YOS, YSR, YTT, YW, YWN),
- (17) Net Laying and Tending Ships (AKN, AN, YNG),
- (18) Oceanographic Research Ship (AGOR),
- (19) Patrol Craft (PT, YP),
- (20) Repair, Salvage, and Rescue Vessels (AR, ARB, ARG, ARL, ARS, ARSD, ARV, ARVA, ARVE, ASR),
- (21) Survey Ships (AGS, AGSC),
- (22) Target and Training Submarine (SST),
- (23) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT),
- (24) Transports and Barracks Vessels (AP, APB, APC, APL, YHB, YRB, YRBM),
- (25) Tugs (ATA, ATF, ATR, YTB, YTL, YTM),
- (26) Dredge (YM),
- (27) Ocean Radar Picket Ship (AGR),
- (28) Submersible Craft (X),
- (29) Utility Aircraft Carrier (CVU).
- (c) *Coast Guard patrol and service vessels and craft*:
 - (1) Submarine repair and berthing barge (YRB),
 - (2) Labor transportation barracks ship (APL),
 - (3) Coast Guard cutter (CGC),
 - (4) Gun boat (WPC),
 - (5) Patrol craft (WPC, WSC, WPC),
 - (6) Sea plane tender (WAVP),
 - (7) Ice breaker (WAGB),
 - (8) Cargo ship (WAK),
 - (9) Buoy tenders and boats (WAGE, WD),
 - (10) Cable layer (WARC),
 - (11) Lightship (WAL),
 - (12) CG tugs (WAT, WXT),
 - (13) Radio ship (WAGR),
 - (14) Special vessel (WIX),
 - (15) Auxiliary vessels (WAG, WAGE),
 - (16) Other Coast Guard patrol or rescue craft over 300 horsepower capacity.

(d) Air Force craft:

- (1) Air Force rescue boat.

(e) Army vessels and craft:

- (1) Transportation Corps tug—100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, E-boat.
- (2) Barges (BG, BC, BR, BSP, BSPI, BKI, BCF, BBL, BARC, BK),
- (3) Cranes, floating (BD),
- (4) Dry dock, floating (FDL),
- (5) Repair ship, floating (FMS),
- (6) Trainer, amphibious 20-ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.13 Aircraft and related articles.

(a) The term "aircraft" used in Category VIII of the United States Munitions List means aircraft designed, modified, or equipped for a military function as specified in Category VIII, including so-called "demilitarized" aircraft. Their exportation and importation are subject to the licensing requirements of the Department of State.

(b) Unless specially equipped or modified for military operations, C-54, C-47 and C-46 aircraft are excluded from Category VIII of the United States Munitions List.

§ 121.14 Helium gas.

The word "helium" shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the actual quantity of the element helium (i.e. 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determination shall be made by usually recognized methods.

§ 121.15 Forgings, castings, and machined bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated in the United States Munitions List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be such articles for the purposes of section 414 of the Mutual Security Act, as amended.

PART 122—REGISTRATION

- Sec. 122.01 Registration requirements.
- 122.02 Application for registration.
- 122.03 Certificate of registration.
- 122.04 Notification of changes in information furnished by registrants.
- 122.05 Maintenance of records by persons required to register as manufacturers, importers or exporters of United States Munitions List articles.

AUTHORITY: §§ 122.01-122.05, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, Sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 122.01 Registration requirements.

(a) Persons engaged in the business, within the United States, its territories or possessions, of manufacturing, exporting or importing articles enumerated in the United States Munitions List are required to register with the Secretary of State.

(b) The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes, including research and development, is not considered as manufacture for the purposes of section 414 of the Mutual Security Act of 1954, as amended.

(c) The Department will not generally require the registration of persons whose pertinent business activities are confined to the production, exportation, and importation of unclassified technical data relating to arms, ammunition, and implements of war.

§ 122.02 Application for registration.

(a) Applications for registration shall be submitted to the Secretary of State on form DPS-9 and shall be accompanied by a registration fee in the form of money order or check payable to the Department of State.

(b) Registration can be effected for periods of one year or four years upon payment of a fee of \$75.00 or \$300.00 respectively, at the option of the registrant.

§ 122.03 Certificate of registration.

(a) A certificate of registration valid for one or four years will be issued to the applicant after submission of an application for registration (form DSP-9). Certificates of registration are renewable upon payment of the fee of \$75.00 or \$300.00 for periods of one or four years respectively. Such certificates are not transferable.

(b) When a four year registration fee is paid, a refund for unused years may be granted, if warranted by reason of changed conditions or new facts developed subsequent to the issuance of the registration certificate. A refund for part of a year, however, will not be granted.

§ 122.04 Notification of changes in information furnished by registrants.

Registered persons shall notify the Secretary of State of significant changes in the information set forth in their applications for registration, such as the establishment of a foreign associate or the acquisition of a foreign affiliate. Upon receipt of such information, an amended certificate of registration will be issued, if appropriate, without charge. Amended certificates remain valid until the date of expiration of the original certificate.

§ 122.05 Maintenance of records by persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.

(a) Persons required to register shall maintain for a period of six years, subject to the inspection of the Secretary of State or any person designated by him, records on the importation and exportation of articles enumerated in the U.S. Munitions List. The Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. Records shall contain all information pertinent to the transaction.

(b) Officers of the Office of Security and the Office of Munitions Control of the Department of State and of the United States Customs Agency Service, Bureau of Customs, Treasury Department, are hereby designated as the representatives of the Secretary of State for the purposes of this section.

PART 123—LICENSING CONTROLS

LICENSE PROCEDURES

- | | |
|--------|--|
| Sec. | |
| 123.01 | Application for license. |
| 123.02 | Export license. |
| 123.03 | Import license. |
| 123.04 | Intransit license. |
| 123.05 | Validity and terms of licenses. |
| 123.06 | License denial, revocation or suspension. |
| 123.07 | Amendments and alterations. |
| 123.08 | Ports of exit or entry. |
| 123.09 | Licenses filed with collectors of customs. |
| 123.10 | Shipment by mail. |
| 123.11 | Foreign trade zones. |
| 123.12 | Export to warehouses or distribution points. |
| 123.13 | Export of vessels of war. |
| 123.14 | Repairs or alterations of vessels. |

COUNTRY OF DESTINATION

- | | |
|--------|---|
| 123.21 | Country of ultimate destination. |
| 123.22 | Shipments to or from certain countries. |
| 123.23 | Canadian shipments. |
| 123.24 | Territories, possessions, other areas under United States sovereignty and the Canal Zone. |
| 123.25 | Domestic aircraft shipments via foreign ports. |

SHIPMENTS BY THE UNITED STATES GOVERNMENT

- | | |
|--------|---|
| 123.40 | Shipment by or to the United States Government. |
|--------|---|

EXEMPTIONS FOR ARMS AND AMMUNITION SHIPMENTS

- | | |
|--------|--|
| 123.51 | Obsolete small arms. |
| 123.52 | Arms carried on person or in baggage. |
| 123.53 | Arms for the use of members of the armed forces. |
| 123.54 | Sample shipments. |

MISCELLANEOUS EXEMPTIONS

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SPECIAL EMERGENCY PROVISIONS

- | | |
|--------|---|
| 123.70 | Temporary suspension or modification of the regulations of this part. |
|--------|---|

AUTHORITY: §§ 123.01-123.70, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 123.01 Application for license.

Persons who intend to export from or import into the United States any of the articles enumerated in the United States Munitions List shall make application to the Department of State on form DSP-5 in the case of exports and DSP-38 in the case of imports. Application for intransit license shall be made on form DSP-61. Application for license to export technical data shall also be made on form DSP-5 (See Part 125).

§ 123.02 Export license.

Articles on the United States Munitions List may not be exported until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an export license, the Department of State may also require documentary informa-

tion pertinent to the proposed transaction. Licenses are applicable only to articles within the territorial jurisdiction of the United States (See also § 123.10).

§ 123.03 Import license.

(a) Articles on the United States Munitions List may not be imported until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an import license, the Department of State may also require documentary information pertinent to the proposed transaction.

(b) No military firearms or ammunition of United States manufacture may be imported for sale in the United States if such articles were furnished to foreign governments under a United States foreign assistance program. This prohibition is applicable to military firearms and ammunition furnished on a grant basis to, or for which payment in full has not been made by, a foreign government under the Lend-Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1951, as amended; and the Mutual Security Act of 1954, as amended.

(c) The above restriction covers firearms which are advanced in value or improved in condition in a foreign country, but it does not include those which have been so substantially transformed as to become, in effect, articles of foreign manufacture (See § 121.02).

(d) A person desiring to import military firearms and ammunition which were manufactured in the United States must certify that the importation of such firearms or ammunition is not prohibited by the provision of paragraph (b) of this section, and that none of the firearms or ammunition being imported was furnished on a grant basis to, or was acquired without full payment by, a foreign government under a foreign assistance program of the United States as set forth in § 123.03(b) of Title 22, Code of Federal Regulations. The certification statement must be accompanied by documentary information on the original foreign source of the material.

NOTE: For the purpose of this section, the term "military firearms and ammunition" includes all firearms and ammunition furnished under the foreign assistance programs of the United States as set forth in paragraph (b) of this section. The term payment in full as used in paragraph (b) of this section, means the payment of a price established by the United States Government as the full value of the property.

§ 123.04 Intransit license.

An intransit license must be obtained prior to the entry of the material into the United States for transshipment to a third country (See also § 123.60).

§ 123.05 Validity and terms of licenses.

(a) Licenses are valid for six months from their issuance date unless a different period of validity is stated thereon. They are not transferable.

Port of Exit ----- Date -----
 Endorsement: Customs Inspector
 Port of Entry ----- Date -----

**SHIPMENTS BY THE UNITED STATES
GOVERNMENT**

§ 123.40 Shipment by or to the United States Government.

The exportation or importation of arms, ammunition, and implements of war by the United States Government is not subject to the provisions of section 414 of the Mutual Security Act, as amended. A license to import and export such articles is not required, therefore, when all aspects of the transaction are handled by a United States Government agency. A license is required, however, when a private individual or firm or forwarding agent is involved in any aspect of the transaction.

**EXEMPTIONS FOR ARMS AND AMMUNITION
SHIPMENTS**

§ 123.51 Obsolete small arms.

Subject to the provisions of § 123.03, collectors of customs are authorized to permit the importation or exportation without a license of small arms covered by Category I of the United States Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

§ 123.52 Arms carried on person or in baggage.

(a) Subject to the provisions of § 123.22, collectors of customs are authorized to permit not more than three non-automatic rifles, carbines, revolvers, or pistols and not more than one thousand cartridges therefor, to enter the United States or depart therefrom without a license when these firearms are on the person of an individual or with his baggage or effects, whether accompanied or unaccompanied, and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale.

(b) Subject to the provisions of § 123.22, collectors of customs are authorized to permit the exportation without a license of ammunition for firearms, provided the quantity does not exceed one thousand rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale. A license is required, however, for exportation to Bahrain, Kuwait, Qatar, the Trucial States, and Muscat and Oman.

(c) Subject to the provisions of § 123.22, collectors of customs are authorized to permit the importation without a license of one non-automatic firearm for the personal use of the ultimate consignee and not for resale.

§ 123.53 Arms for the use of members of the armed forces.

(a) Collectors of customs are authorized to permit members of the United States Armed Forces or United States civilian personnel employed by those forces, presenting written authorization from their commanding officers, to ship or bring into the United States without license, war trophies and souvenirs consisting of firearms and ammunition therefor.

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and parts of such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, and are accompanied by a written authorization from the commanding officer.

§ 123.54 Sample shipments.

Collectors of Customs are authorized to permit up to an inclusive total of three rifles, carbines (excluding automatic and semi-automatic models), revolvers and pistols to be exported or imported without a license, providing the articles being shipped are not for sale and will be returned to the same exporter or importer. Collectors of customs may also permit the exportation and importation of such sample weapons without a license when they are being returned to their owner.

MISCELLANEOUS EXEMPTIONS

§ 123.60 Border shipments.

Shipments originating in Canada or Mexico which incidentally transit the United States en route to a delivery point in the country of origin are exempt from the requirement of an intransit license.

§ 123.61 Certain helium gas exports.

Subject to the provisions of § 123.22, collectors of customs are authorized to permit the export without a license of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases, provided that the gas is intended for medical use and shipment does not exceed ten cubic feet of "contained helium" to any consignee.

§ 123.62 Scuba equipment.

Collectors of customs are authorized to permit the exportation or importation without a license of not more than three units of Scuba and other self-contained diving and swimming apparatus, intended exclusively for personal use.

§ 123.63 Propellants and explosives.

Subject to the provisions of § 123.22 of the Department's regulations, collectors of customs are authorized to permit the exportation without a license of propellants, except solid and liquid propellant compositions, and explosives for nonexplosive uses such as medical uses and laboratory tests. Such shipments must be clearly marked as to content, include no materials classified from a military security point of view, and weigh no more than 25 pounds.

§ 123.64 Smokeless shotgun powder.

Collectors of customs are authorized to permit the importation of smokeless shotgun powder without a license (See Category V of the United States Munitions List).

§ 123.65 Privately owned military aircraft on temporary sojourn abroad.

(a) A certificate of temporary sojourn may be issued by the Department in appropriate instances in lieu of an export license to authorize the departure of privately owned military aircraft from the United States for a temporary

sojourn abroad not to exceed three months' duration. The Department may require documentary evidence pertinent to the aircraft or proposed sojourn before issuance of a certificate of temporary sojourn. The provisions of § 126.02 are also applicable to certificates of temporary sojourn.

(b) Private owners of military aircraft to be flown or shipped from the United States under the provisions of paragraph (a) of this section shall complete and submit a request for a certificate of temporary sojourn, Form DSP-73, in triplicate to the Department for its approval.

(c) An original and duplicate copy of the certificate of temporary sojourn issued by the Department must be presented to the collector of customs at the port of departure. The certificate is for endorsement by the collector provided he finds no discrepancy in the statements made therein. The endorsed certificate shall be returned to the pilot and carried on the aircraft as evidence that the required permission has been granted and the duplicate retained by the collector for his records pending the completion of the temporary sojourn. The pilot or operator is required to depart from the United States at an airport where a customs officer is available for outward endorsement on the certificate. The outward clearance cannot be obtained by telephone or other informal means.

(d) Upon completion of the temporary sojourn, the certification shall be surrendered to the collector of customs at the port of entry. If the ports of entry and departure differ, the customs officer is to forward the surrendered certificate properly endorsed to the customs authorities at the original port of departure. The completed certificate must be returned to the Department.

(e) The Department may permit a privately-owned military aircraft to make a series of flights to and from the United States under a certificate of temporary sojourn not to exceed three months' duration. Full details of the proposed flights must be given.

(f) The dates of actual departure and entry shall be noted on the reverse side of the certificate and endorsed by appropriate customs officials. No action is to be taken on the copy of the certificate which is returned to the original port of exit until the pilot's copy of the certificate is taken up by the customs officer upon his last entry into the United States prior to the expiration of the authorized period.

(g) Requests for extension of temporary sojourn must be made to the Department in writing, stating the original port of departure.

SPECIAL EMERGENCY PROVISIONS

§ 123.70 Temporary suspension or modification of the regulations of this part.

The Director, Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this part in the interest of

furthering the objectives of world peace and the security and foreign policy of the United States.

PART 124—LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

Sec.

- 124.01 Manufacturing license agreements.
- 124.02 Technical assistance agreements.
- 124.03 Exportation of technical data in furtherance of an agreement.
- 124.04 Required provisions in agreements.

AUTHORITY: §§ 124.01–124.04, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 124.01 Manufacturing license agreements.

Agreements between persons or companies residing in the United States and foreign persons or entities, private or governmental, for the manufacture abroad of arms, ammunition, and implements of war are required to be submitted to the Department of State before the effective date of the agreement for review from the standpoint of United States foreign policy and military security.

§ 124.02 Technical Assistance Agreements.

Agreements entered into between persons or companies residing in the United States and foreign persons or entities, private or governmental, for the furnishing of technical assistance and technical information relating to articles designated as arms, ammunition, and implements of war are required to be submitted to the Department of State before the effective date of the agreement for review from the standpoint of United States foreign policy and military security.

§ 124.03 Exportation of technical data in furtherance of an agreement.

Collectors of Customs or postal authorities may permit the exportation without a license of unclassified technical data being exported in furtherance of a manufacturing license or technical assistance agreement covering United States Munitions List items concerning which the Department of State has, in writing, expressed no objection, unless the data contain a major advance in design, process or manufacturing technique over the United States Munitions List items covered in the original agreement. In such event, the data must be reviewed by cognizant representatives of the United States Government. The United States principal to the agreement will be responsible for submitting to the Department of State unclassified technical data of this type for review.

§ 124.04 Required provisions in agreements.

(a) Manufacturing license or technical assistance agreements should define in precise terms the following:

- (1) The equipment and technology involved;
- (2) The scope of the information to be furnished;

(3) The period of duration of the agreement;

(4) Statement of ownership of equipment and special tools involved which would be made available in connection with the agreement. In lieu of inclusion as an integral part of the agreement, the applicant may submit this information in the form of an attachment or enclosure to the agreement submitted for review.

(b) (1) It is the policy of the United States Government not to pay or allow to be paid in connection with purchases made with Mutual Security Program funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Mutual Security Program, or which are in the public domain, or with respect to which it has been placed in possession without restriction upon their use and disclosure to others. Reasonable charges for reproduction, handling, mailing, and other similar administrative costs do not fall within this policy.

(2) Pursuant to the above policy (subparagraph (1) of this paragraph) agreements shall be written in such a way as to provide that (i) purchases of items by or for the United States Government, or with funds derived through the Mutual Security Program, will not include a charge (a) for technical data in the possession of the United States Government, or in which the United States Government has a right to possession, and regarding which there is no prohibition against use by the United States Government and disclosure to others and (b) for royalties or amortization for patents or inventions in which the United States Government holds a royalty-free license; and (ii) the license rights transferred by such agreements will be subject to existing rights of the United States Government.

(c) (1) It is further the general policy of the United States Government not to approve agreements envisaging the transmittal abroad of classified United States military information unless certain security arrangements are in existence on a government-to-government basis under which the United States Government can be assured that its classified information will be properly protected abroad. Release of such information requires the prior approval of the cognizant United States military department under established authorities. It is also necessary to invoke an existing government-to-government agreement or to establish an agreement which will bind the licensee's government to assume responsibility for the adequate protection of classified United States information.

(2) In accordance with subparagraph (1) of this paragraph, any proposed agreement envisaging the transmission of classified United States military information abroad shall be submitted to the Department of State for review and coordination with appropriate military authorities prior to the consummation of negotiations with the foreign government or firm.

(d) No liability shall be incurred by or attributed to the United States Government by reason of this review requirement in connection with any possible future infringements of privately-owned patent or proprietary rights, either domestic or foreign. The applicant shall acknowledge this provision of the regulations either by its inclusion in the agreement or by letter over the signature of an officer of the company.

PART 125—TECHNICAL INFORMATION

DEFINITIONS AND INTERPRETATIONS

Sec.

- 125.01 Technical data.
- 125.02 Classified information.

TRANSMISSION OF INFORMATION

- 125.11 Transmission of unclassified technical information.
- 125.12 Transmission of classified information.

EXPORT CONTROL REQUIREMENTS

- 125.20 Requirements.

TECHNICAL DATA EXEMPTIONS

- 125.30 General exemptions.
- 125.31 Importation of technical data.
- 125.32 Canadian shipments.

MAILING AND SHIPPING PROCEDURES

- 125.40 Certification requirements.
- 125.41 Clearance of exports.
- 125.42 Sino-Soviet bloc destinations.

AUTHORITY: §§ 125.01 to 125.42, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

DEFINITIONS AND INTERPRETATIONS

§ 125.01 Technical data.

The term "technical data" as used in Category XVII of the United States Munitions List means any professional, scientific, or technical information relating to arms, ammunition, and implements of war, including but not limited to, any model, design, photographic negative, document or any other thing containing a plan, specification or descriptive information of any kind (see also § 125.20).

§ 125.02 Classified information.

Classified military information, including classified technical data, is covered by Category XVI of the United States Munitions List and refers to any material or information which has been assigned a military security classification, by any agency of the Department of Defense. Military information is information under the control and jurisdiction of the Department of Defense, its departments and agencies, or of primary interest to them.

TRANSMISSION OF INFORMATION

§ 125.11 Transmission of unclassified technical information.

The export controls established under the provisions of Section 414 of the Mutual Security Act of 1954, as amended, relating to technical data cover the exportation of technical information on articles designated as arms, ammunition, and implements of war in the

United States Munitions List, regardless of whether the transmission of such information is accomplished by oral, visual or documentary means. This includes but is not limited to transmission by mail, by hand, through foreign visits by American technical personnel, release to foreign nationals in the United States, or through participation in symposia.

§ 125.12 Transmission of classified information.

Classified military information, including classified technical data, Category XVI, United States Munitions List, may only be transferred or exported on a government-to-government basis or under other special procedures established by the cognizant military agency.

EXPORT CONTROL REQUIREMENTS

§ 125.20 Requirements.

(a) A license issued by the Department of State is required for the exportation of unclassified technical data, Category XVII of the United States Munitions List, unless the exportation falls within the exemption provisions of these regulations (see § 125.30). The application for license must be submitted on the prescribed form (form DSP-5) with accompanying technical data documentation to be furnished in triplicate.

(b) A license issued by the Department of State is required for the exportation of unclassified technical data relating to arms, ammunition, and implements of war which is included in any application for a foreign patent. This licensing requirement is in addition to the license for foreign filing which must be obtained by an exporter from the Patent Office during the first six months of the pendency of a patent application. After six months, only a Department of State license is required. If the thereto should be addressed to the Patent Office.

(c) Communication with the Department of State is required in the event that classified military information will be involved in a proposed exportation. A letter must be submitted to the Department containing full details of the proposed transaction, accompanied by documentation in triplicate to assist in the consideration of the proposal.

§ 125.21 Government agency shipments.

An export license is not required when the shipment is made by the United States Government or an agency thereof unless a private individual or firm is involved in the shipping or mailing procedure.

TECHNICAL DATA EXEMPTIONS

§ 125.30 General exemptions.

(See § 125.40.)

Collectors of Customs or Postal Authorities may permit the exportation without a license to any destination other than those listed in § 125.42 of unclassified technical data as follows:

- (a) If they are in published form and subject to public dissemination by being:
 - (1) Sold at newsstands and bookstores;
 - (2) Available by subscription of pur-

chase to any individual without restriction;

(3) Granted second class mailing privileges by the United States Government; or

(b) If they are technical data related to United States Munitions List items which have been reviewed and approved for public release by an authorized agency of the Department of Defense.

(c) When the technical data are being exported in furtherance of a manufacturing license or technical assistance agreement as set forth in § 124.03.

(d) When the technical data are being exported in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity, provided the contract specifically calls for transmission of relevant technical data.

(e) When the technical data relate to firearms not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced designs, processes and manufacturing techniques.

(f) When the technical data relate to sales bulletins, operational maintenance manuals, and sales promotion manuals covering equipment, the exportation of which has been authorized.

(g) When the technical data consist of additional copies of sales bulletins, operational, maintenance, sales promotional manuals previously approved for export to these destinations.

§ 125.31 Importation of technical data.

A license is not required for the importation of technical data.

§ 125.32 Canadian shipments.

Collectors of Customs or postal authorities may permit unclassified technical data to be exported to Canada without the presentation of a license.

MAILING AND SHIPPING PROCEDURES

§ 125.40 Certification requirements.

If the exporter wishes to claim the benefit of an exemption from the requirement of an individual license in accordance with the provisions of § 125.30, he is required to certify that the proposed exportation is covered by one of the provisions of that section. He may so certify by marking the package or letter "22 CFR 125.30 ----- applicable", identifying the specific subsection or subsections under which the exemption is claimed.

§ 125.41 Clearance of exports.

Licenses covering technical data exports must be presented to the appropriate collector of customs or postal authority when shipment is made.

§ 125.42 Sino-Soviet bloc destinations.

The exemptions provided in this part do not apply to the following destinations: the Soviet Union, Soviet bloc countries, Communist China, North Korea, any of the territories of Viet-Nam which are under de facto control of the

Communists, or any other area that may come under Communist control.

PART 126—VIOLATIONS AND PENALTIES

- | | |
|--------|---|
| Sec. | |
| 126.01 | Violations in general. |
| 126.02 | Misrepresentation and concealment of facts. |
| 126.03 | Penalties for violations. |
| 126.04 | Authority of collectors of customs. |
| 126.05 | Seizure and forfeiture. |

AUTHORITY: §§ 126.01-126.05, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7252, 3 CFR, 1954 Supp.

§ 126.01 Violations in general.

It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the United States Munitions List as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having obtained a license therefor unless a written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

§ 126.02 Misrepresentation and concealment of facts.

(a) It shall be unlawful under these regulations willfully to use for the purpose of exportation or importation of U.S. Munitions List articles any export or import control document which makes a false statement or misrepresents or conceals material facts. Any such false statement, representation or concealment in such a document so used for such purpose shall be considered as made in a matter within the jurisdiction of an Agency of the United States in violation of section 1001 of title 18, United States Code and Section 414 of the Mutual Security Act (22 U.S.C. 1934).

(b) For the purpose of this section, the term export or import control document shall include the following when used for the purpose of exportation of United States Munitions List articles:

- (1) Applications for import, export, or intransit license to the Department of State and supporting documents.
- (2) Shipper's export declarations.
- (3) Invoices.
- (4) Declaration of destinations.
- (5) Delivery verification.
- (6) Request for certificate of temporary sojourn.

§ 126.03 Penalties for violations.

Any person who willfully violates any provision of Section 414 of the Mutual Security Act of 1954, 22 U.S.C. 1934, as amended, or any rule or regulation issued under that section or who willfully, in a registration, license application, or written request makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000

or imprisoned not more than two years, or both.

§ 126.04 Authority of Collectors of Customs.

(a) Collectors of Customs are authorized to take appropriate action to insure observance of this subchapter as to the importation, or attempt to import, or to the exportation, or attempt to export, arms, ammunition, and implements of war, including technical data relating thereto, whether or not authorized by the licenses or written approval issued under this subchapter, including but not limited to inspection and loading or unloading of carriers.

(b) When a license or written approval is presented to a Collector of Customs authorizing the exportation or importation, of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation, including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

§ 126.05 Seizure and forfeiture.

Whenever an attempt is made to import, or bring into the United States, or to export, or ship from or take out of the United States, any arms, ammunition, and implements of war, including technical data relating thereto, in violation of law, the several Collectors of Customs or officials of such other United States agencies as may be authorized to perform law enforcement functions may seize and detain any such arms, ammunition, and implements of war, including technical data relating thereto, and the vessel, vehicle or aircraft containing the same, and retain possession thereof until released or disposed of as directed by law.

PART 127—FOREIGN MILITARY AIRCRAFT FLIGHTS

- Sec.
127.01 Foreign military flight clearances.
127.02 Use of military installations.
127.03 Required information.
127.04 Reciprocal arrangements.

AUTHORITY: §§ 127.01-127.04, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.; U.S.C. 1008(a).

§ 127.01 Foreign military flight clearances.

Foreign military aircraft desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. Such a request normally is made by the appropriate foreign government embassy in Washington in the form of a diplomatic note. The request must reach the Department of State no later than 72 hours before the overflight is to take place.

§ 127.02 Use of military installations.

Requests by foreign governments for authorization to land their military aircraft at United States military installations must have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State for overflight of United States territory (see § 127.01). Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours before the arrival date. It should contain information outlined in § 127.03.

§ 127.03 Required information.

In regard to the information required in connection with §§ 127.01 and 127.02, foreign governments requesting permission for military aircraft to overfly and land should support the request with the following information:

- (a) The purpose of the flight;
- (b) The type and identity of the aircraft;
- (c) Names and nationality of crew;
- (d) Names and nationality of passengers;
- (e) Dates of arrival and departure at each point;
- (f) Special services and facilities desired.

§ 127.04 Reciprocal arrangements.

Reciprocal arrangements have been entered into with certain countries concerning military flights. Such arrangements have the effect of modifying or eliminating the necessity of obtaining prior clearances under the conditions set forth in the agreements.

PART 128—ADMINISTRATIVE PROCEDURES

- Sec.
128.01 Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.
128.02 Exclusion of functions under section 1108(a) of Federal Aviation Act.

AUTHORITY: §§ 128.01, 128.02, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 128.01 Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.

The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

§ 128.02 Exclusion of functions under section 1108(a) of the Federal Aviation Act.

The functions conferred by section 1108(a) of the Federal Aviation Act are excluded from the operations of the Administrative Procedures Act as contemplated by sections 1003 and 1004 thereof.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 283; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

These regulations shall take effect on March 1, 1960.

Dated: February 24, 1960.

For the Secretary of State.

JOHN W. HANES, Jr.,
Administrator, Bureau of
Security and Consular Affairs.

[F.R. Doc. 60-1890; Filed, Mar. 1, 1960; 8:49 a.m.]